

**LEVIN-EPSTEIN & ASSOCIATES, P.C.**

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June 30, 2021

**Via ECF and Email**

The Honorable Jed S. Rakoff, U.S.D.J.  
United States District Court, Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312  
Email: [RakoffNYSDChambers@nysd.uscourts.gov](mailto:RakoffNYSDChambers@nysd.uscourts.gov)

Re: *Supercom Inc. v. 911inet LLC et al*  
**Case No.: 20-cv-08228-JSR**

Dear Honorable District Judge Rakoff:

This law firm represents plaintiff Supercom Inc. (“Plaintiff”) in the above-referenced action. Pursuant to Your Honor’s Individual Rules of Motion Practice 2(c), this letter respectfully serves as a request for the Court to convene a pre-motion conference call with defendant 911inet LLC (“Defendant”), to consider Plaintiff’s contemplated motion to compel Defendant’s responses to certain discovery deficiencies and for sanctions.

Pursuant to Your Honor’s Individual Rules of Motion Practice 2(c), the undersigned requested Defendant’s availability for a conference call with Your Honor before the submission of the instant application. On June 28, 2021, the undersigned emailed Defendant’s counsel, as follows:

Counselor:

Please confirm your availability for a conference call tomorrow, **Tuesday, June 29<sup>th</sup>, at 3:00 p.m.** for a conference call with the chambers of the Honorable Senior Judge Rakoff to discuss the Defendants’ discovery deficiencies.

Thank you in advance for your cooperation.

Defendant’s counsel did not respond to the June 28, 2021 meet-and-conferral attempt. The following day, on June 29, 2021, the undersigned, once again, emailed Defendant’s counsel. Defendant’s counsel did not respond to the June 29, 2021 meet-and-conferral attempt..

Thus, Plaintiff has complied with Your Honor’s Individual Rules of Motion Practice 2(c).

With respect to Plaintiff’s contemplated motion to compel and for sanctions, on May 10, 2021, Plaintiff served Defendant with: (i) Plaintiff’s First Set of Interrogatories; and (ii) Plaintiff’s First Request for Production of Documents. Pursuant to Fed.R.Civ.P. 34(b)(2), Defendant’s responses and objections, if any, to Plaintiff’s May 10, 2021 First Set of Interrogatories and First Request for the Production of Documents were due on or before June 8, 2021. Defendant failed to respond to Plaintiff’s aforementioned discovery requests.

The undersigned sent Defendant a deficiency letter on June 9, 2021. That letter advised, in relevant part, as follows:

On May 10, 2021 on behalf of Plaintiff, this office served your office with:

1. Plaintiff's First Set of Interrogatories;
2. Plaintiff's First Request for the Production of Documents; and
3. A Notice of Deposition of Javier Garcia, scheduled for June 29, 2021.

Pursuant to Fed.R.Civ.P. 34(b)(2), your client's responses and objections, if any, to Plaintiff's May 10, 2021 First Set of Interrogatories and First Request for the Production of Documents were due on or before June 8, 2021.

As of the date of this letter, we have not received any responses or objections from you.

As you know, under Local Civil Rule 37.3 the parties are required to meet and confer in an effort to achieve an informal resolution of discovery disputes prior to requiring judicial intervention through a motion to compel further response. Kindly let the undersigned know whether your client will be able to achieve an informal resolution of this matter.

Defendant did not respond to Plaintiff's May 10, 2021 deficiency letter. Thereafter, on June 17, 2021, the parties held a meet and confer conference to discuss Defendant's discovery deficiencies wherein Defendant's counsel represented that Defendant would provide documents in the early part of the week of June 21, 2021. As of the date of this letter, Plaintiff has not received responses to: (i) Plaintiff's First Set of Interrogatories; or to (ii) Plaintiff's First Request for Production of Documents.

Thus, Plaintiff respectfully requests the Court schedule a conference call to address Defendant's discovery deficiencies and permission for Plaintiff to file a motion to compel and for sanctions.

Thank you, in advance, for your time and consideration.

**LEVIN EPSTEIN & ASSOCIATES, P.C.**

By: /s/ Joshua Levin-Epstein  
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Cc: Defendant's counsel via ECF and Email